

Notice of Allowability

Application No.

10/065,171

Examiner

Cheukfan Lee

Applicant(s)

CHANG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed June 26, 2006.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Cheukfan Lee

1. All pending claims 1-23 are allowed. Claims 19-23 are newly added. Claims 1, 5, 10, 14, 19, and 23 are independent.

2. Applicant is reminded that the claim of foreign priority filed with the Combined Declaration and Power of Attorney on September 24, 2002 is improper. That is because an 'X' is placed under 'NO' in the foreign priority claim form. No foreign priority data has been picked up by the Initial Application Examination Branch of the PTO.

Please see M.P.E.P. 201.11, page 200-66, and Rule 1.78(a) for filing a petition and fee for correcting or properly claiming foreign priority.

It is noted that a new Power of Attorney was filed June 26, 2006. During the months of May and June of 2006, Mr. Michael Willardson, (Registration No. 50,856) and the examiner had several conversations regarding the improper claim of foreign priority for patent applications filed with the same defective foreign priority claim form in the Combined Declaration and Power of Attorney. The present application was not particularly discussed. The conversations were only for applications in general that have the same defective form filed. At the time of the conversations, the Examiner was not informed of all other applications have such problem, besides the few that were discussed.

3. The following is an examiner's statement of reasons for allowance:

Independent claims 1, 5, 10, and 14 have been amended to overcome the rejection under 35 U.S.C. 112, first paragraph. The rejections of their dependent claims 2-4, 6-9, 11-13, and 15-18 are thus withdrawn.

Reasons for allowance for claims 1-18 based on the comparison of the closest prior art and the claimed invention given in section 6 of the previous Office Action dated March 24, 2006 are given below.

Claims 1-18 are allowable over the prior art of record because the closest prior art Lee (U.S. Patent No. 6,888,651), cited in the previous Office Action, discloses a shaft holding apparatus (12, 13) adapted to slide along the shaft of a flatbed scanner, the shaft holding apparatus comprising a body (121-124, 12, 13, and 15) comprising a V-shaped supporting surface being capable of supporting the shaft, but Lee does not disclose a shaft holding apparatus comprising an elastic member mounted on the body wherein the elastic member is capable of elastically contacting the V-shaped surface, and an adjusting member is mounted on the body and capable of adjusting the position of the elastic member as claimed in claim 1. Other independent claims 5, 10 and 14 each recite limitations of a shafting holding apparatus similar to those of claim 1.

Newly presented independent claim 19 recites a guiding apparatus for a scanner, comprising a V-shaped supporting surface capable of supporting a body on a shaft, wherein the body comprises optical components, an elastic member coupled to the body and capable of contacting the shaft, and an adjusting member capable of adjusting the position of the elastic member. The combination of the V-shaped supporting surface, the body being supported, the elastic member, and the adjusting member and

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their relationship as claimed in claim 19 is not taught by the closest prior art Lee (6,888,651).

New claims 20-22 depend on claim 19.

Newly added independent claim 23 recite limitations similar to those of claim 19, in means plus function form. Similarly, the combination of the means for supporting a body..., means for positioning the shaft..., and means for adjusting the position of the means for supporting the shaft..., and their relationship as claimed in claim 23, is not taught by the closest prior art Lee (6,888,651).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee
July 19, 2006